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June 30, 2003

VIA EMAIL AND U.S. MAIL

Gwendolyn A. Wilkie, Esq.
National Oceanic and Atmospheric Administration
Office of General Counsel
One Blackburn Drive
Gloucester, MA 01930

Re: Bouchard 120 Oil Spill, Buzzards Bay, Massachusetts - April 27, 2003

Dear Ms. Wilkie:

On behalf of our client, Bouchard Transportation Company, Inc., we accept your invitation of June 12, 2003 to join with the currently designated Trustees (the National Oceanic and Atmospheric Administration (NOAA), the United States Department of the Interior (DOI), the Commonwealth of Massachusetts (MA), the State of Rhode Island (RI) and the Wampanoag Tribe of Gay Head (Wampanoag Tribe)) to conduct a cooperative natural resource damage assessment (NRDA) in accordance with 15 CFR § 990.14 with regard to the Bouchard B120 Oil Spill, Buzzards Bay, Massachusetts on April 27, 2003 (the "Incident"). This response does not constitute Bouchard's admission of liability or waiver of its legal rights under laws, including federal law, applicable to the Incident.


Bouchard wishes to continue its cooperative relationship with the Trustees to accomplish the goals set forth in 33 U.S.C. § 2706(c), including determination of the nature and extent of natural resource injuries resulting from the Incident and to develop and implement a plan for restoration, rehabilitation, replacement or acquisition of the agreed upon equivalent of the injured natural resources.

Gwendolyn A. Wilkie, Esq.
June 30, 2003
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As discussed during our conference calls, recognizing that this effort is a cooperative assessment and in order to timely assess potential natural resource injuries, we are requesting that the following information be provided to us so we may expedite review of the Wampanoag Tribe's proposal to conduct a survey to evaluate potential natural resource damages impacting the Wampanoag Tribe: (1) a copy of the treaty providing the Wampanoag Tribe certain rights, including fishing rights, and control or custody of certain natural resources; (2) a copy of any court decisions which discuss the tribal rights as they pertain to natural resources; and (3) any other information which will assist in our understanding of the basis for the Wampanoag Tribe's natural resource damage claims.

Finally, although we are proceeding in good faith in this process, we look forward to receiving the draft Memorandum of Agreement for review and comment so as to memorialize this cooperative approach in accordance with 15 CFR § 990.14. Please do not hesitate to call me directly at the above-referenced telephone number or Pierre Olney (617/439-9500) should you have any questions.

Very truly yours,



Andrew N. Davis

cc: Morton S. Bouchard III, Bouchard Transportation Co., Inc.
Austin P. Olney, Esq.
Mark Barash, DOI Solicitor's Office
Matthew Brock, MA AG's Office
Tom Larosa, MA EOE
Frank Csulak, NOAA DAC
Katherine Pease, NOAA GC